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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

AHERN RENTALS, INC.,

Plaintiff,

v.

COLBY ENTERPRISES, INC. and TONY
PHILLIPS,

Defendants.

CASE NO.: 2:23-cv-01507-GMN-BNW

**STIPULATION TO REMAND REMOVED
ACTION; ORDER THEREON**

COLBY ENTERPRISES, INC. and TONY PHILLIPS (“Defendants”), and AHERN
RENTALS, INC. (“Plaintiff”) stipulate as follows:

1. Plaintiff originally filed a complaint against Defendants on May 12, 2022, under case number A-22-852493-C. The Plaintiff failed to serve the complaint and it was eventually dismissed for failure to prosecute.

2. Plaintiff re-filed the complaint against Defendants on May 29, 2023, under case number A-23-871444-C.

3. The Defendants were served with the current complaint on August 28, 2023.

4. Defendants filed the Petition for Removal on September 25, 2023. removing this matter is September 27, 2023.

5. Defendants completed the removal process by filing a Notice of Removal with the Clark County District Court under case number A-23-871-444-C on September 25, 2023.

6. On October 3, 2023, the undersigned counsel for the parties spoke about the claimed basis for diversity jurisdiction and agreed that the Action should be remanded to the Clark County District Court. To that end, the Parties hereby stipulate that the Action be remanded to The Eighth Judicial District Court for Clark County Nevada.

Dated: October 6, 2023

Dated: October 6, 2023

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MARK A. KIRKORSKY, P.C.



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ORDER

On October 5, 2023, the Parties to the above-referenced action filed a Stipulation to Remand Removed Action. The Court having reviewed that stipulation and good cause appearing, orders as follows:

1. The Parties' stipulation is approved;
2. District of Nevada case number 2:23-cv-01507-GMN-BNW styled AHERN RENTALS, INC. v. COLBY ENTERPRISES, INC. and TONY PHILLIPS is hereby remanded to Clark County District Court.
3. The Clerk's Office shall close this case after remanding to Clark County District Court.

IT IS SO ORDERED.

Dated: October 6, 2023


UNITED STATES DISTRICT COURT JUDGE

MUEHLBAUER
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